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12 Attorneys for defendants and counterclaimants
13 WESLEY MAYDER, ROMI MAYDER, SILICON
14 TEST SOLUTIONS LLC and SILICON TEST
15 SYSTEMS INC

16 IN THE UNITED STATES DISTRICT COURT
17 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 VERIGY US, INC., a Delaware Corporation,

20 Plaintiff,

21 v.
22 ROMI OMAR MAYDER, an individual;
23 WESLEY MAYDER, an individual; SILICON
24 TEST SYSTEMS, INC., a California
25 Corporation; and SILICON TEST
26 SOLUTIONS, LLC, a California Limited
27 Liability Corporation, inclusive,

28 Defendants.

Case No. 5:07-cv-04330-RMW (HRL)

**DECLARATION OF JACK RUSSO IN
SUPPORT OF MOTION FOR SUMMARY
ADJUDICATION AND MOTION TO
MODIFY PRELIMINARY INJUNCTION
ORDER**

Date: August 15, 2008

Time: 9:00 a.m.

Ctrm: 6

Before the Hon. Ronald Whyte

Complaint Filed: August 22, 2007

Trial Date: December 8, 2008 (jury trial)

(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

AND RELATED CROSSCLAIMS.

CONTAINS MATERIAL DESIGNATED HIGHLY CONFIDENTIAL –ATTORNEYS’ EYES

ONLY BY VERIGY US, INC. UNDER STIPULATED PROTECTIVE ORDER

DOCUMENT SUBMITTED UNDER SEAL

1 I, Jack Russo, declare as follows:

2 1. I am a member in good standing of the State Bar of California, and am admitted to
 3 practice before this Court and have been for over 25 years. I am the Managing Partner for the law
 4 firm of Russo & Hale LLP, counsel for the defendants in this action. I serve as an arbitrator,
 5 mediator, and neutral evaluator for this Court (and have done so for over 10 years) and I also serve
 6 as an arbitrator, mediator and Judge Pro Temp for the Santa Clara Superior Court (and have also
 7 done so for over 10 years.) The matters stated herein are true and correct of my personal
 8 knowledge, unless stated on information and belief, which matters I believe to be true. I could and
 9 would competently testify to the matters set forth herein if called as a witness.

10 2. Attached hereto as Exhibit 1 is a true and correct copy of the complaint filed by
 11 Plaintiff Verigy US, Inc. (“Verigy”) in this matter. Neither my firm nor I represented any of the
 12 defendants in 2006 or in 2007; we first became counsel for defendant Wes Mayder earlier this year
 13 and recently, we have become counsel for all of the defendants in this action.

14 3. Attached hereto as Exhibit 2 are a series of recent email exchanges (after me and
 15 my firm became counsel for all the defendants in this action this year) between myself and counsel
 16 for Verigy, Mindy Morton, Esq.

17 4. In these emails and in both phone conversations and at least one in-person meeting
 18 that I had with counsel for Plaintiff, I was attempting to obtain Plaintiff’s consent to allowing
 19 defendants to get, see and read the entire TRO that the Court entered against them—something that
 20 plaintiff and its counsel had prevented by claiming that parts of the TRO and attached exhibits
 21 were for attorneys’ eyes only under the Protective Order entered in this case. These actions by
 22 plaintiff and its counsel deprived defendants of the opportunity to see, read, review and/or fully
 23 understand what they were prohibited from doing.

24 5. Attached as Exhibit 3 is a true and correct copy of the Temporary Restraining Order
 25 entered in this matter on August 24, 2007.

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1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that this Declaration is true and correct and was entered into on July 9, 2008 in
3 Palo Alto, California.

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5 /s/ Jack Russo
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